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Hewlett-Packard Company

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

MMCA GROUP LTD., a Virginia corporation,  
  
Plaintiff,  
  
v.  
  
HEWLETT-PACKARD COMPANY, a  
Delaware corporation, PICA CORPORATION,  
an Ohio corporation,  
  
Defendants.

No. C-06-7067 MMC (EMC)

STIPULATION AND ~~PROPOSED~~  
ORDER CHANGING DEADLINES

[Fed. R. Civ. Proc. 6(b), Civil L.R. 6-1,  
6-2, 7-1, 7-12]

[No Hearing Required]

Judge: Hon. Maxine M. Chesney

C-06-7067 MMC (EMC)

STIPULATION AND ~~PROPOSED~~ ORDER CHANGING DEADLINES

I. INTRODUCTION

Plaintiff MMCA Group Ltd. ("MMCA") and defendants Hewlett-Packard Company ("HP") and PICA Corporation ("PICA") respectfully submit this stipulation and [proposed] order pursuant to Federal Rule of Civil Procedure 6(b) and Civil Local Rules 6-1, 6-2, 7-1, and 7-12 requesting that the Court extend the deadlines in the June 9, 2008 Amended Pretrial Preparation Order (Docket 255) as follows:

|                              |   |
|------------------------------|---|
| Non-Expert Discovery Cutoff  | April 30, 2009 (currently October 17, 2008)   |
| Expert Designations          | May 21, 2009 (currently November 7, 2008)     |
| Rebuttal Expert Designations | June 4, 2009 (currently November 21, 2008)    |
| Expert Discovery Cutoff      | June 25, 2009 (currently December 12, 2008)   |
| Dispositive Motions Cutoff   | July 23, 2009 (currently January 9, 2009)     |
| Pretrial Conference Date     | September 28, 2009 (currently March 17, 2009) |
| Jury Trial Date              | October 13, 2009 (currently March 30, 2009)   |

The parties are available for a Further Status Conference to discuss this proposed schedule and the issues below on September 26 or October 3, 2009, if the Court so requests.

II. BACKGROUND

In May, 2009, the parties agreed that discovery could not be completed under the then current schedule. On June 9, 2008 the Court granted the parties' request for an extension of the case schedule. Docket 255. Further delays -- most related to document production issues -- have since developed.

First, on June 25, 2008 PICA and former defendants Pinkerton Consulting &

Investigations, Inc. and Business Risks International, Ltd. moved for a protective order preventing HP from producing documents they claimed were confidential.<sup>1</sup> Docket 264. Resolution of this issue required extensive meet and confer efforts, court intervention and an order requiring blanket “Attorney’s Eyes Only” (“AEO”) designation under the applicable Protective Order for the vast majority of HP’s documents (plus provision of additional security procedures). Docket 287, 309. HP has since produced these documents (with the AEO designations and security measures in place) and has produced over 20,000 documents in total. Declaration of Erin A. Smart in Support of Stipulated Request to Extend Deadlines (“Smart Decl.”) ¶ 2. The parties agree that many of the documents subject to the blanket AEO designation may not qualify as AEO and that extensive meet and confer efforts may be necessary to de-designate them to “Confidential” status. HP is also reviewing a further set of documents and anticipates completing its production from this set by September 30. *Id.*

Second, on June 23, 2008 HP notified MMCA that MMCA’s document production contained privileged material of both MMCA and HP. Smart Decl., ¶ 3. HP ceased review of MMCA’s production and requested the other receiving parties do the same. *Id.* Meanwhile, MMCA re-reviewed its production for privilege. On September 19, 2008, HP received a list of the documents MMCA believes are MMCA privileged in its prior production, and a list of the documents that MMCA believes HP would assert are HP privileged in its prior production. Smart Decl. ¶ 4. HP will shortly begin its review of the remaining material in MMCA’s production. MMCA has indicated that meet and confer efforts will be required regarding the documents it believes HP would assert are HP privileged, that follow-up work to de-designate certain of those documents from privileged status may be required, and that there are approximately 8,000 such documents in MMCA’s prior production. MMCA also has additional documents it expects to produce in the coming weeks.

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<sup>1</sup> MMCA, PICA, and PC&I/BRI are investigative services companies who have worked for HP in various regions of the world. Throughout these relationships, HP and the other parties exchanged confidential and/or privileged information, some of which is relevant to this litigation.

1 PICA produced documents on May 15, 2008. Smart Decl. ¶ 5. Counsel for  
2 MMCA and for PICA are meeting and conferring about the sufficiency of PICA's production.  
3 MMCA has indicated that motion practice may be necessary with respect to PICA's production.  
4 PICA disagrees. PICA has also indicated that it may also move to compel on interrogatory  
5 responses received from MMCA.

6 No depositions have yet occurred as document productions are not complete.  
7 Smart Decl. ¶ 6. The parties expect to need at least four to six weeks after document productions  
8 have been completed to prepare for depositions as tens of thousands of documents will have been  
9 produced. Smart Decl. ¶ 7. The parties have agreed to a general schedule of depositions with  
10 those of MMCA witnesses starting in December or January, followed by depositions of  
11 defendants' witnesses and then any necessary follow-up depositions. Based on the documents  
12 produced thus far, the parties believe there will be need for depositions of foreign witnesses,  
13 which will require additional time to effectuate service and otherwise comply with international  
14 agreements governing such depositions in foreign countries.

15 III. GOOD CAUSE EXISTS TO GRANT THE REQUESTED  
16 ENLARGEMENT OF TIME

17 Under the current schedule the parties cannot complete discovery by the October  
18 17, 2008 cutoff. The parties have made significant progress but need further time to complete  
19 document productions and related issues. The parties have created the above proposed schedule  
20 to allow them to complete document productions and then depositions -- including numerous  
21 possible foreign depositions -- in an orderly manner. Granting the parties' requested extension  
22 will allow this and will facilitate resolution of this case upon the merits.

23 IV. CONCLUSION

24 For the reasons discussed above the parties respectfully request the Court adjust  
25 the schedule in this case as follows:  
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|                              |                    |
|------------------------------|--------------------|
| Non-Expert Discovery Cutoff  | April 30, 2009     |
| Expert Designations          | May 21, 2009       |
| Rebuttal Expert Designations | June 4, 2009       |
| Expert Discovery Cutoff      | June 25, 2009      |
| Dispositive Motions Cutoff   | July 23, 2009      |
| Pretrial Conference Date     | September 28, 2009 |
| Jury Trial Date              | October 13, 2009   |

DATED: September 19, 2008

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|------------------------------|------------------|
| Non-Expert Discovery Cutoff  | April 30, 2009   |
| Expert Designations          | May 21, 2009     |
| Rebuttal Expert Designations | June 4, 2009     |
| Expert Discovery Cutoff      | June 25, 2009    |
| Dispositive Motions Cutoff   | July 23, 2009    |
| Jury Trial                   | October 13, 2009 |

DATED: September 19, 2008

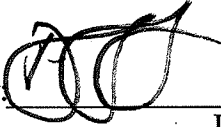
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1 DATED: September 19, 2008

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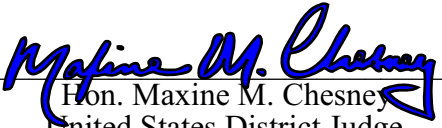
**~~Proposed~~ Order Extending Deadlines**

IT IS HEREBY ORDERED that the schedule in the case is modified as follows:

|                                   |                    |
|-----------------------------------|--------------------|
| Non-Expert Discovery Cutoff       | April 30, 2009     |
| Expert Designations               | May 21, 2009       |
| Rebuttal Expert Designations      | June 4, 2009       |
| Expert Discovery Cutoff           | June 25, 2009      |
| Filing Dispositive Motions Cutoff | July 24, 2009      |
| Pretrial Conference Date          | September 29, 2009 |
| Jury Trial Date                   | October 19, 2009   |

**PURSUANT TO STIPULATION, IT IS SO ORDERED.** as amended. No further modifications of the trial/pretrial schedule will be granted in the absence of a court appearance.

Dated: September 23, 2008

  
 Hon. Maxine M. Chesney  
 United States District Judge